

HARBOR COMMISSION AGENDA

City of Newport Beach
3300 Newport Blvd.
Council Chambers
Wednesday, April 13, 2011
Regular Meeting – 6:00 pm

Don Lawrenz - Chairman

Doug West
Duncan McIntosh
Marshall Duffield

Karen Rhyne
Ralph Rodheim
Vincent Valdes

The Harbor Commissioners are citizens of Newport Beach who volunteer to serve on the Harbor Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

Chris Miller
Manager, Harbor Resources

Shannon Levin
Supervisor, Harbor Resources

NOTICE TO THE PUBLIC

Regular meetings of the Harbor Commission are generally held on the second Wednesday of each month at 6:00 p.m. Staff reports or other written documentation have been prepared. The agendas, minutes and staff reports are available on the City's web site the Friday afternoon before the meeting. The address is: <http://newportbeachca.gov/> under Agendas & Minutes, then Harbor Commission. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Harbor Resources staff at (949) 644-3034.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Shannon Levin, Harbor Resources Supervisor at (949) 644-3041, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

NEWPORT BEACH HARBOR COMMISSION AGENDA
City Council Chambers
3300 Newport Blvd
Wednesday, April 13, 2011

CALL TO ORDER

6:00 P.M.

ROLL CALL / INTRODUCTION

The Commissioners sitting before you are citizens of Newport Beach who volunteer to serve on the Harbor Commission. They were appointed by the City Council at large by majority vote for 4-year terms. The people sitting at the table in front are City staff members and are here to advise us during the meeting. Immediately to my left are:

*Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor*

PLEDGE OF ALLEGIANCE

MINUTES

Recommended Action: Approve Minutes from March 2011.

PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Harbor Commission – Speakers must limit comments to 3-minutes. Before speaking, please state your name and address for the record.

ALL TESTIMONY GIVEN BEFORE THE HARBOR COMMISSION IS TAPE RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.)

ACTION & APPEAL ITEMS

ITEM #1

Subject: Harbor Speed Limit Exception – Proposed Conceptual Draft

Abstract: The Harbor Commission's Code Enforcement Subcommittee has evaluated the need for a change in the harbor's speed limit during organized, permitted, racing competitions and related practice sessions, and the subcommittee is proposing a conceptual draft proposal for review.

Discussion:

Public Comments:

Action: Approve the conceptual draft proposal for the harbor's speed limit during organized, permitted, racing competitions and related practice sessions, and advise the Harbor Resources Manager to seek further guidance from the Office of the City Attorney and eventually the City Council.

SUB-COMMITTEE REPORTS

QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

HARBOR RESOURCES UPDATE – Receive and File

PUBLIC COMMENTS ON SUB-COMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

COMMISSIONER'S ANNOUNCEMENTS OR MATTERS TO BE PLACED ON FUTURE AGENDAS FOR DISCUSSION, ACTION OR REPORT

RECOMMENDED TOPICS FOR FUTURE AGENDAS

- Eelgrass
- Dinghy Dock at Lido Bridge – New public pier
- Bilge pump-out options
- Add an additional smaller anchorage to the north turning basin by W. PCH and Via Lido
- Lower Castaways Vision Plan

DATE AND TIME FOR NEXT MEETING: Wednesday, May 11, 6:00 PM



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
April 13, 2011

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Harbor Speed Limit Exception – Proposed Conceptual Draft

ABSTRACT:

The Harbor Commission's Harbor Code Enforcement Subcommittee has evaluated the need for a change in the harbor's speed limit during organized, permitted, racing competitions and related practice sessions, and the subcommittee is proposing a conceptual draft proposal for review.

RECOMMENDATION:

1. Approve the conceptual draft proposal for the harbor's speed limit during organized, permitted, racing competitions and related practice sessions, and advise the Harbor Resources Manager to seek further guidance from the Office of the City Attorney and eventually the City Council.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

A BRIEF HISTORY

In early 2008, the issue of the harbor's speed limit quickly became a major point of discussion and heated debate among the harbor's users, particularly the organizers of sailboat races. The problem is that the speed limit only allows for a maximum of 5 nautical miles per hour which directly conflicts with a racer's goals, i.e. sailing the fastest to cross the finish line first. As a result, the Harbor Commission formed two subcommittees to tackle the problem in February 2008: one committee to look at a short term solution and another committee for a long term solution.

The Short Term Subcommittee focused on the immediate need of the upcoming 2008 summer racing season with the goal of working with the Harbor Patrol to allow races to continue. Both "sides" were very receptive to the concerns of the other, and the lines of

communication were open and ongoing within the community. One of the biggest successes of this subcommittee was the voluntary establishment of the “Safety and Courtesy Tips for Sailboat Racing in Newport Harbor” document which described: 1) Rules of the Road, 2) Inexperienced Boaters, 3) Communication, 4) Commercial Vessels, 5) Common Courtesy, 6) Visibility & Congestion, and 7) Accident Reporting. These self imposed rules by the various racing committees in the harbor had an immediate, positive effect on that year’s races, and the speed limit issue was diffused, yet still alive.

The Long Term Subcommittee focused on the review of the City’s ordinance and they thought of ways to change the rules to allow for exceptions to the speed limit. However, at that same time, staff was directed from senior management to suspend discussions on changing the speed limit in the harbor, so this idea was put aside.

Municipal Code 17.20.020(A) Vessel Operation states:

Speed Limit. No owner, operator or person in command of any vessel, except a public officer in the performance of his duty, shall operate the same or permit the same to be operated in any portion of Newport Harbor or the water in the present or prior channel of the Santa Ana River within the City at a rate of speed in excess of five nautical miles per hour, or at any speed which creates a wake that may cause damage to moorings of vessels or floating structures, except as hereinafter provided.

CURRENT STATUS

During 2010, the Harbor Patrol was still encouraging the City to adjust the speed limit because they continued to be in an awkward position of looking the other way while sailboat racers were exceeding the speed limit. So, in early 2011, the Harbor Commission’s subcommittee on Harbor Code Enforcement re-opened the speed limit discussion, and a proposed, conceptual draft (Attachment A) was circulated throughout the harbor community. Comments and positive feedback were received, along with encouragement to proceed through the approval process.

The Harbor Commission is requested to review the proposed, conceptual draft changes to the Municipal Code and to provide feedback to staff who will then work with the Office of the City Attorney and eventually the City Council for further refinement. Unfortunately, this process will take some time, and if approved by the Council, might not be in effect until the end of the summer.

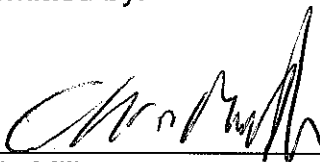
ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in black ink, appearing to read "Chris Miller", is written over a horizontal line.

Chris Miller

Attachments: A. Conceptual Draft Proposal – Harbor Speed Limit Exception

Attachment A

CONCEPTUAL DRAFT PROPOSAL – HARBOR SPEED LIMIT EXCEPTION
AMENDMENT TO NBMC SEC. 17.20.020

Preamble

Whereas the City of Newport Beach and its Harbor Community have a long-standing tradition of competitive boating activities that include sailboat racing, human powered boat racing, and the associated training and practice activities that generally accompany such events, and

Whereas the City has become aware of the need to encourage, organize, and clarify the City's administration of these activities in a more structured manner, consistent with Orange County Code, Division 2, Article 1, Section 2-2-1, in order to continue to accommodate usage of the Harbor by the boating Public for those and other private and commercial activities, and

Whereas it is the intent of this amendment to coordinate all of these activities in such a manner as to enhance the participation and enjoyment of our harbor for all of our residents and visitors, while promoting good seamanship and boating safety on the part of the participants.

Amendment

1. Be it resolved that the City Manager, through his delegate the Harbor Resources Manager, shall be responsible for the administration and enforcement of this ordinance.
2. All organizers of sail or human powered racing events to be held in Newport Harbor may apply for a permit which may be issued by the Harbor Resources Manager under the authority of the City Manager.
3. Said permits should be applied for at least 60 days prior to the event and should identify the area in which the event is to occur, the dates and times of practice sessions, if any, and the scheduled time for the event. Permission to hold the event shall not be unreasonably withheld so long as the organization complies with the basic terms and conditions of this ordinance.
4. In the case of recurring annual events such as Intercollegiate rowing and sailing competitions, yacht club or racing association sponsored competitions, the permits should be applied for in

December of the year preceding the competitions and shall include the following information: a) date and time of the event; b) expected number of entries; c) estimated duration of the event; d) type and length of vessels; e) the area of the Harbor in which the event is to occur. A copy of the previous year's Notice of Race and entry list will be sufficient evidence of compliance with this article.

5. All organizers of events for which a permit has been issued shall insure that a copy of the permit is provided to the Office of the Harbormaster, Orange County Sheriff's Department not less than 10 days before the permitted event.
6. The basic speed limit in Newport Harbor is defined as 5 nautical miles per hour.
7. For purposes of this amended ordinance the basic speed limit may be exceeded by sailing or human powered vessels only when participating in organized, permitted, racing competitions and related practice sessions as described in this ordinance. All competing vessels must comply with the Federal Navigation rules applicable to Newport Harbor, except that racing rules as promulgated by US Sailing or any successor entity shall govern the conduct of competing sailing vessels as between themselves.
8. The use of audible signaling devices such as air horns and loudhailers in connection with the start or finish of a competition permitted under this section shall not be considered a violation of the Newport Beach anti-noise ordinance.